

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JUDY DOE

Plaintiff

Docket No. 4:18-cv-00339

-vs-

ERIC R. GREITENS et al

**PLAINTIFF’S MOTION FOR LEAVE TO FILE
A SUR-RESPONSE TO DEFENDANTS’ MOTION TO DISMISS**

Plaintiff respectfully moves for the entry of an order granting Plaintiff leave to file Plaintiff’s Sur-Response to Defendants’ Motion to Dismiss (the “Plaintiff’s Sur-Response”), a copy of which is attached as Exhibit A to respond to issues raised for the first time in Defendants’ Reply Memorandum in Support Of Motion To Dismiss For Failure To State A Claim, ECF No. 21 (“Defendants’ Reply”). Plaintiff states in support thereof:

1. Defendants filed their Motion to Dismiss the Complaint pursuant to Fed. R. Civ. Pro. 12(b)(6) on April 30, 2018, ECF No. 17 (“Defendants’ Motion to Dismiss”).
2. Plaintiff’s Opposition to Defendants’ Motion to Dismiss was filed on May 29, 2018, ECF No. 20 (“Plaintiff’s Opposition”).
3. Defendants’ Reply was filed on June 5, 2018, ECF No. 21.
4. Defendants’ Reply argued the following issues that had not been addressed in the Motion to Dismiss and which therefore had not been addressed in Plaintiffs’ Opposition:
 - a. Plaintiff has waived her claims that the waiting period and ultrasound opportunity violated her rights under the Religion Clauses;

- b. The U.S. Supreme Court ruled in *Gonzales v. Carhart*, 550 U.S. 124 (2007) (“*Gonzales*”) that “the fetus or embryo is a living member of the human species;”
 - c. Plaintiff must expressly plead her religious beliefs are honest and sincere.
5. Plaintiff respectfully requests leave to file Plaintiff’s Sur-Response to respond to these issues.

June 12, 2018

/s/ W. James Mac Naughton
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CERTIFICATE OF SERVICE

W. James Mac Naughton certifies that I served this pleading on the persons listed below by ECF on the date of this pleading was filed.

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/s/ W. James Mac Naughton
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